

### REMARKS

Reconsideration of the application is respectfully requested.

Claims 1-64 are in the application. Claim 62 has been amended.

In the Official Action, the Examiner rejected claims 53-64 on the ground of non-statutory obviousness-type double patenting as being allegedly unpatentable over claims 1, 9-12 and 18 of U.S. Patent No. 6,629,963. In addition, the Examiner rejected claims 1-4, 6, 8-10, 15-21, 23, 25-27, 32-37, 39, 41-43, and 48-52 on the ground of non-statutory obviousness-type double patenting as being allegedly unpatentable over claims 1-3 and 5-7 of U.S. Patent No. 5,752,942.

In response, attached hereto are two terminal disclaimers, one directed to U.S. Patent No. 5,752,942 and the other directed to U.S. Patent No. 6,629,963. In view of the attached terminal disclaimers, it is respectfully submitted that the double patenting rejections have been overcome.

The Examiner objected to claim 62 for including a typographical error of "islocated". In response, this typographical error has been corrected.

The Examiner rejected claim 62 under 35 U.S.C. §102(e) as being allegedly anticipated by Utterberg (U.S. Patent No. 5,536,259).

Utterberg is directed to a hypodermic cannula having a sharpened tip end. In one embodiment, and with reference to Fig. 1, three cut surfaces bound the opening in the cannula. Specifically, flat cut surface 12 extends between second cut surface 20 and third cut surface 26. (Col. 3, ll. 1-15). The second cut surface 20 and the third cut surface 30 meet at forward point 18. An angled junction 36 is defined between the intersection of the flat cut surface 12 and the second cut surface 20 and a second angled junction 36 is defined between the flat cut surface 12 and the third cut surface 26. (See, col. 3, ll. 59-61). Thus, the length of the flat cut surface 12 is defined between the two angled junctions 36. The length of the second cut surface 20 is between the adjacent angled junction 36 and the forward point 18, while the length of the third cut surface 26 is between the adjacent angled junction 36 and the forward point 18. As clearly shown in Fig. 1, the flat cut surface 12 has a greater length than either the second cut surface 20 or the third cut surface 26. In the second embodiment, and with reference to Fig. 2, fifth and sixth cuts 32 and 34 may replace first and second cut surfaces 12, 20 and first and third cut surfaces 12, 26. (Col. 3, ll. 55-59). As such, the angled junctions 36 are eliminated. With this embodiment, the flat cut surface 12 is lengthened to have even a greater length as compared to other cut surfaces.

Claim 62 is directed to a syringe assembly which includes a syringe barrel and a needle. The needle has a lumen "extending from a first end of said needle and having an opening defined through said first end". Further, claim 62 states "said first end terminating in a point with a plurality of discrete bevels bounding said opening, wherein one of said plurality of discrete bevels is located furthest from said point and has a length, as measured about said opening, shorter than any of said other ones of said plurality of discrete bevels." In contrast, Utterberg has

a cut surface defined furthest from the point, flat cut surface 12, which has the greatest length of the cut surfaces, not the shortest. As shown in Fig. 5 of Applicants' application, bevel surface 131, which is located furthest from the point, has the shortest length, as measured about the opening, relative to the other bevels. It is respectfully submitted that there is no disclosure or suggestion in Utterberg to provide the structure of claim 62. Accordingly, it is respectfully submitted that claim 62 is patentable over Utterberg.

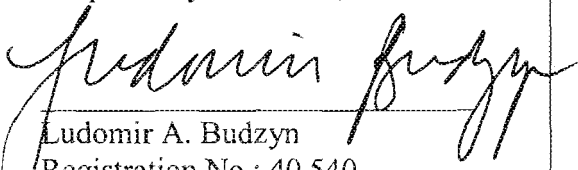
Claims 63 and 64 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Utterberg in view of Burns (U.S. Patent No. 5,643,219). The Examiner admitted that Utterberg fails to disclose a needle shield and relied on Burns for allegedly overcoming this deficiency.

Burns is directed to a shielded needle assembly. Burns appears to only disclose a standard single bevel needle cannula. As such, Burns does not overcome the deficiency noted above of Utterberg. It is respectfully submitted that claims 63 and 64, as dependent from claim 62, are patentable over Utterberg and Burns, each taken alone or in combination.

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Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicants' attorney at the number listed below.

Respectfully submitted,

  
Ludomir A. Budzyn  
Registration No.: 40,540  
Attorney for Applicants

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(973) 331-1700